

**ALASKA STATE LEGISLATURE  
SENATE STATE AFFAIRS STANDING COMMITTEE**

April 27, 2021

3:33 p.m.

**MEMBERS PRESENT**

Senator Mike Shower, Chair  
Senator Roger Holland  
Senator Scott Kawasaki  
Senator Mia Costello

**MEMBERS ABSENT**

Senator Lora Reinbold, Vice Chair

**COMMITTEE CALENDAR**

SENATE BILL NO. 117

"An Act relating to the state procurement code; establishing the construction manager general contractor procurement method; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 91

"An Act relating to the duties of the commissioner of corrections; relating to the detention of minors; relating to minors subject to adult courts; relating to the placement of minors in adult correctional facilities; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 92

"An Act relating to missing persons under 21 years of age."

- HEARD & HELD

SENATE JOINT RESOLUTION NO. 12

Urging the United States Congress to repeal the Windfall Elimination Provision and Government Pension Offset of the Social Security Act.

- BILL HEARING CANCELED

## PREVIOUS COMMITTEE ACTION

BILL: SB 117

SHORT TITLE: PROCUREMENT; CONSTRUCTION; CONTRACTS

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

03/31/21	(S)	READ THE FIRST TIME - REFERRALS
03/31/21	(S)	STA, TRA
04/27/21	(S)	STA AT 3:30 PM BUTROVICH 205

BILL: SB 91

SHORT TITLE: DETENTION OF MINORS

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/22/21	(S)	READ THE FIRST TIME - REFERRALS
02/22/21	(S)	HSS, STA
03/09/21	(S)	HSS AT 1:30 PM BUTROVICH 205
03/09/21	(S)	Heard & Held
03/09/21	(S)	MINUTE(HSS)
04/06/21	(S)	HSS AT 1:30 PM BUTROVICH 205
04/06/21	(S)	Moved CSSB 91(HSS) Out of Committee
04/06/21	(S)	MINUTE(HSS)
04/07/21	(S)	HSS RPT CS 2DP 1NR SAME TITLE
04/07/21	(S)	DP: WILSON, BEGICH
04/07/21	(S)	NR: REINBOLD
04/27/21	(S)	STA AT 3:30 PM BUTROVICH 205

BILL: SB 92

SHORT TITLE: MISSING PERSONS UNDER 21 YEARS OLD

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/22/21	(S)	READ THE FIRST TIME - REFERRALS
02/22/21	(S)	HSS, STA
03/23/21	(S)	HSS AT 1:30 PM BUTROVICH 205
03/23/21	(S)	Scheduled but Not Heard
03/30/21	(S)	HSS AT 1:30 PM BUTROVICH 205
03/30/21	(S)	Heard & Held
03/30/21	(S)	MINUTE(HSS)
04/06/21	(S)	HSS AT 1:30 PM BUTROVICH 205
04/06/21	(S)	Moved SB 92 Out of Committee
04/06/21	(S)	MINUTE(HSS)
04/07/21	(S)	HSS RPT 2DP 1NR
04/07/21	(S)	DP: WILSON, BEGICH
04/07/21	(S)	NR: REINBOLD
04/27/21	(S)	STA AT 3:30 PM BUTROVICH 205

## **WITNESS REGISTER**

MIKE LESMANN, Legislative Liaison  
Department of Transportation and Public Facilities (DOT&PF)  
Juneau, Alaska

**POSITION STATEMENT:** Introduced SB 117 on behalf of the administration.

MICHAEL LUND, Construction Engineer  
Northern Region  
Department of Transportation and Public Facilities (DOTPF)  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified on SB 117 by invitation.

CHARLES MCKEE, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified off topic during the hearing on SB 117, and when asked said he supported the bill.

ALICIA SIIRA  
Associative General Contractors of Alaska  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 117.

SARAH LEFEBVRE, representing self  
Fairbanks, Alaska

**POSITION STATEMENT:** Stated support for SB 117 with minor edits.

TRACY DOMPELING, Director  
Division of Juvenile Justice  
Department of Health and Social Services (DHSS)  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of SB 91.

MATT DAVIDSON, Social Services Program Officer  
Division of Juvenile Justice  
Department of Health & Social Services  
Juneau, Alaska

**POSITION STATEMENT:** Presented the sectional analysis for SB 91.

KATHRYN MONFREDA, Director  
Division of Statewide Services - CGIS Programs  
Department of Public Safety  
Anchorage, Alaska

**POSITION STATEMENT:** Presented SB 92 on behalf of the administration.

PAUL FUSSEY, Lieutenant  
Alaska State Troopers  
Department of Public Safety  
Anchorage, Alaska

**POSITION STATEMENT:** Provided information and answered questions about SB 92.

#### **ACTION NARRATIVE**

[3:33:58 PM](#)

**CHAIR MIKE SHOWER** called the Senate State Affairs Standing Committee meeting to order at 3:33 p.m. Present at the call to order were Senators Holland (via Teams), Kawasaki (via Teams), and Chair Shower.

CHAIR SHOWER reviewed the remote meeting protocols, including the roll call to show the presence and location of the committee members:

Roll call: SENATOR KAWASAKI, Capitol room 7, SENATOR HOLLAND, Capitol room 113, and CHAIR SHOWER in the Butrovich room, Capitol 205. Several minutes later, SENATOR COSTELLO reported that she had joined the meeting from Capitol room 119.

CHAIR SHOWER stated that he wanted to clear the record about the allegation that it would have been against the law to have moved SB 39 from committee last Thursday evening. In response, he decided to hold the bill and investigate. The allegation proved to be incorrect; the fiscal notes for the original version of the bill were loaded into the record on 1/28/21. New fiscal notes will be forthcoming, and his understanding is that is not unusual. To the comments about the lack of time to review, debate, and amend the bill, he said the bill has been in the committee's possession for almost three months and the latest version has been available for several weeks. He said there were multiple opportunities to amend the bill and two of three minority amendments were passed during the Thursday afternoon meeting. Furthermore, this is not the only committee of referral; he estimated it will be heard in five more committees as it goes through the process.

#### **SB 117-PROCUREMENT; CONSTRUCTION; CONTRACTS**

[3:40:33 PM](#)

CHAIR SHOWER announced the consideration of SENATE BILL NO. 117 "An Act relating to the state procurement code; establishing the

construction manager general contractor procurement method; and providing for an effective date."

He listed the invited testifiers.

[3:41:11 PM](#)

MIKE LESMANN, Legislative Liaison, Department of Transportation and Public Facilities (DOT&PF), Juneau, Alaska, stated that the purpose of the bill is to grant the department the authority to write regulations for the existing process between DOT&PF and its contractors. SB 117 seeks to amend the state's procurement code under AS 36.30 by codifying the department's current practice of using the construction manager general contractor (CMGC) construction contracting method.

MR. LESSMANN explained that the CMGC contracting method has a two-phase contract that allows the same contractor to provide construction related services during both preconstruction and the construction phase of a project. While the existing state procurement law does not offer this procurement method as a specific option, the department has been using CMGC under the innovative procurement guidelines in AS 36.30.308.

MR. LESSMANN reported that CMGC has been used for the last 15 years in Alaska for public facility projects, federal aid highway and bridge projects, and new vessel construction. This contracting method is recognized in the Federal Highway Administration regulations and is a commonly accepted practice in the construction industry. DOT&PF's experience is that CMGC can decrease contractor change orders, decrease administrative delays, and leverage resources to improve Alaska's infrastructure.

MR. LESSMANN advised that should this become law, the department will collaborate with stakeholders to adopt the regulations needed to further refine and standardize the CMGC contracting method in Alaska.

[3:45:27 PM](#)

SENATOR KAWASAKI highlighted that the fiscal note analysis indicates that the CMGC contracting method has been used for just 20 projects over the past 15 years. He asked why it had been used for so few projects and how the department expects that to change should the bill pass.

MR. LESMANN answered that it is not right for every project, but it is a tool for the department to use. He deferred further

comment to Mr. Lund who has experience using the CMGC contracting method.

3:46:58 PM

MIKE LUND, Construction Engineer, Northern Region, Department of Transportation and Public Facilities (DOTPF), Fairbanks, Alaska, explained that CMGC is a procurement tool that involves a contractor, prior to committing to costs, giving input into the phasing of a project. This is not needed on all projects that are done on a regular basis, but sometimes it is to the state's advantage and the public interest to do so. The department has been successful in using CMGC under the innovative procurement statute.

CHAIR SHOWER asked for examples of projects that would use CMGC.

MR. LUND explained that this method is generally used for more complex projects. He cited University Avenue in Fairbanks that involved complex phasing and staging with underground and overhead utilities, and the Kivalina School site access road that involved complex logistics to get materials and heavy equipment to rural Alaska. He said it is heavily used and useful in the vertical construction industry. Using the CMGC process on the UAF engineering building allowed flexibility for the project to shut down when there were fiscal constraints and restart without contract closure and a lengthy claims process.

SENATOR KAWASAKI summarized that DOT&PF uses the innovative procurement code to get a construction manager general contractor. He asked why the CMGC method has not been used more frequently since it has been available under the innovative procurement statute.

MR. LUND agreed with the summary. Responding to the question, he explained that the innovative procurement statute effectively allows the department to use CMGC to partner with the local contracting community, but it is on an ad hoc basis. It is difficult to develop regulations and adopt overriding policies without codifying the process.

SENATOR KAWASAKI asked how the department would select the best contractors.

MR. LUND answered that while there is a price component to the process, the contractor is selected based on qualifications

CHAIR SHOWER asked for the sectional analysis.

[3:55:02 PM](#)

MR. LESMANN paraphrased the following sectional analysis for SB 117 [original punctuation provided]:

**Section 1. AS 36.30.200(c)** is amended to add CMGC (Construction Manager/General Contractor). This section ensures that the Department only uses the contracting method on appropriate projects by requiring that the Commissioner of Transportation and Public Facilities first determine that doing so is advantageous to the State.

**Section 2. AS 36.30.250** is amended to add the Department may exclude price criteria when awarding a preconstruction services contract under the CMGC contracting method.

**Section 3. AS 36.30** is amended to add a new section AS 36.30.309. This section is the operative provision of the CMGC bill. It identifies the CMGC method as requiring a two-phase contract: one contract for preconstruction services and another for construction services. The Department awards the construction services contract only if the parties can reach an agreed price for construction services for a specific project scope and schedule. If the parties cannot reach an agreed price, the Department may contract with another contractor for construction of the project using any other contracting method under the procurement code.

**Section 4. AS 36.30.990** is amended to add the definition for "preconstruction services".

**Section 5.** Authorizes the Department to adopt regulations that further implement the Act.

**Section 6.** This section specifies that Section 5 takes effect immediately.

[3:57:30 PM](#)

CHAIR SHOWER found no questions and opened public testimony on SB 117.

[3:57:50 PM](#)

CHARLES MCKEE, representing self, Anchorage, Alaska, testified off topic during the hearing on SB 117.

CHAIR SHOWER asked if he supported or opposed SB 117.

MR. MCKEE said he supported it and then asked the committee to understand that there was no statute of limitations for slander.

[4:01:44 PM](#)

ALICIA SIIRA, Associative General Contractors of Alaska (AGC), Anchorage, Alaska, stated that AGC supports having CMGC as an alternative project delivery method for DOT&PF. It has been used in Alaska for decades. AGC believes that CMGC can be a great tool when properly used and prepared. However, it is not the only tool and when it is used there should be ample review to ensure the best value for the state. She offered her belief that codifying the CMGC procurement process will benefit the construction industry and the state. It would allow the department to use the CMGC process without having to submit an innovative procurement request to multiple agencies for each project. She said SB 117 will modernize, clarify, and improve the state's procurement process and align Alaska with the majority of other states. It will also allow the construction industry to have a voice in developing regulations, which will remedy concerns about consistency in the use of CMGC projects. She asked that AGC be given a seat at the table throughout the regulatory process. She said AGC looks forward to sharing the list of best practices it has compiled.

CHAIR SHOWER asked if AGC would like to see any changes to the bill.

MS. SIIRA replied they have suggested language changes but nothing substantial.

CHAIR SHOWER suggested she send the suggestions to [ssta@akleg.gov](mailto:ssta@akleg.gov).

[4:05:04 PM](#)

SARAH LEFEBVRE, representing self, Fairbanks, Alaska, stated that she has worked in the construction industry in civil contracting for 23 years. She agreed with Ms. Sirra's comments and said the bill will ensure that CMGC will be applied more consistently across the three DOT regions. She noted that this has been a concern to the contracting community on past projects. She referenced Senator Kawasaki's question and offered her experience that each CMGC has progressed in a silo and the



lessons learned have not necessarily been applied in subsequent projects and procurements. She offered her belief that having the CMGC procurement method in statute allows the department to establish clear regulations and eventually implement a consistent CMGC handbook. She said that industry partners look forward to participating in this process to help improve the application of CMGC in Alaska. She suggested that the CARES Act and federal infrastructure packages offer an opportunity for DOT&PF to get future year projects onto the street. CMGC could be a valuable tool to fill the gap left by accelerated project funding. She said she is an ADC member, and her company has minor edits for the bill that she would submit to this committee and the Transportation Committee. She noted that the edits had been vetted by department staff.

CHAIR SHOWER said he would appreciate receiving the documents.

[4:07:43 PM](#)

CHAIR SHOWER closed public testimony on SB 117 and advised that written comments would be accepted at [ssta@akleg.gov](mailto:ssta@akleg.gov).

[4:08:21 PM](#)

CHAIR SHOWER held SB 117 in committee.

### **SB 91-DETENTION OF MINORS**

[4:08:29 PM](#)

CHAIR SHOWER announced the consideration of SENATE BILL NO. 91 "An Act relating to the duties of the commissioner of corrections; relating to the detention of minors; relating to minors subject to adult courts; relating to the placement of minors in adult correctional facilities; and providing for an effective date."

[CSSB 91(HSS), work order 32-GS1576\I, was before the committee.]

He listed the individuals who were invited to testify.

[4:09:03 PM](#)

TRACY DOMPELING, Director, Division of Juvenile Justice, Department of Health and Social Services (DHSS), Juneau, Alaska, stated that SB 91 will bring Alaska into compliance with the recent changes to the Juvenile Justice and Delinquency Prevention Act (JJDP), which was enacted in 1974 and reauthorized in 2018. She related that the JJDP is the primary federal legislation that guides juvenile justice practices and

lack of compliance will result in penalties on the division's major federal grant.

4:09:52 PM

MS. DOMPELING said SB 91 makes two statutory changes. First, it requires minors who have been waived into the adult criminal justice system be held in juvenile facilities until age 18. The bill also expands the court findings necessary for non-delinquent minors to be held temporarily in a secure juvenile facility. She said the bill intentionally has no effect on the crimes or sentences of minors who are subject to waiver into the adult justice system, nor will the bill have any net fiscal impact. The Department of Corrections and the Department of Health and Social Services will be required to develop an agreement about holding minors in DOC custody in Juvenile facilities. She highlighted that data that DOC provided today identified six youth under age 18 who are currently held in DOC facilities.

MS. DOMPELING advised that the second change deals with the limited circumstances when non-delinquent minors may be held temporarily in secure Juvenile facilities pending another placement. These rare situations generally involve minors in the custody of the Office of Children's Services (OCS) who have run away from placement and put themselves in a dangerous situation. In this circumstance, OCS seeks a court finding under AS 47.10.141 that allows the short holding pending placement in another nonsecure setting. She said the new federal JJDPa expands the court findings necessary before these minors may be detained and it further limits the time they may be held in secure holding. She advised that during the last three fiscal years, three juveniles have been held in this manner each year. She said the division has received positive feedback from the Court System and other stakeholders.

SENATOR KAWASAKI asked if a minor who turns 18 while in a DJJ facility would remain in the facility or move into an adult facility.

MS. DOMPELING replied, this bill specifically applies to youth charged under the auto waiver statute who would move at age 18.

CHAIR SHOWER found no further questions and asked Mr. Davidson to present the sectional analysis.

4:14:03 PM

MATT DAVIDSON, Social Services Program Officer, Division of Juvenile Justice, Department of Health & Social Services, Juneau, Alaska, paraphrased the following sectional analysis for SB 91 [original punctuation provided].

**Section 1:** Amends AS 33.30.011(a) Duties of commissioner to expand the duties of the Commissioner of the Department of Corrections to enter into agreements with the Department of Health and Social Services for the detention and care of minors who are waived into the adult criminal justice system.

**Section 2:** Amends AS 47.10.141(c) Runaway and missing minors to reference a new subsection that adds new requirements for court findings related to holding non-delinquent minors in secure juvenile facilities.

**Section 3:** Amends AS 47.10.141 Runaway and missing minors to add a new subsection to include expanded requirements for court findings before a non-delinquent minor can be held in a secure juvenile facility.

**Section 4:** Amends AS 47.12.020 Jurisdiction to add a new subsection related to the jurisdiction of the Division of Juvenile Justice to detain and care for minors under Department of Corrections custody.

**Section 5:** Amends AS 47.12.022 Applicability; inclusion of certain persons as minors to make conforming amendments to include minors subject to the adult court processes in the definition of "minor" in delinquency statute.

**Section 6:** Amends AS 47.12.030(a) Provisions inapplicable to add a reference to the "autowaiver" statute, the new practice of holding minors subject to adult court proceedings in secure juvenile facilities under AS 47.12.105. The section also includes the term "transported" to the adult processes that apply to waived minors to reflect current practices.

**Section 7:** Amends AS 47.12.100(a) Waiver of jurisdiction to add a reference to "discretionary waiver" statute the new practice of the holding of minor offenders who are subject to adult court in secure juvenile facilities under AS 47.12.105. The

section also includes the list of adult court practices that apply to these offenders.

**Section 8:** Adds a new section Minor offenders subject to adult court to describe the new requirements for holding minor who are waived into adult court in Division of Juvenile Justice facilities until age 18. This section also describes the limited circumstances and court process and findings that may allow for minors to be held in adult facilities.

4:18:16 PM

MR. DAVIDSON advised that the last committee added a provision to Section 8 that authorizes the Public Defender Agency to represent minors the department wants to move to adult facilities.

**Section 9:** Amends AS 47.12.150(a) Legal custody, guardianship, and residual parental rights and responsibilities to make conforming changes to clarify that minors in the custody of the Department of Corrections detained in Division of Juvenile Justice facilities are subject to the same residual parental rights as other minor offenders.

**Section 10:** Amends AS 47.12.160(e) Retention of jurisdiction over minor to make conforming changes to the dual sentencing provisions.

**Section 11:** Amends AS 47.12.240(a) Detention of minors to make conforming changes.

MR. DAVIDSON noted that the last committee added what is now Sections 10-15 to clarify that minors who are waived into the adult criminal court process need to be transported in the same manner as delinquent minors.

**Section 12:** Amends AS 47.12.240(c) Detention of minors to clarify that a waived minor may be held temporarily in an adult correctional facility during transport to a juvenile facility under the same standards and timelines that apply to a delinquent minor.

**Section 13:** Amends AS 47.12.240(d) Detention of minors to change the statutory reference from AS 47.12.240(c)(1) to AS 47.12.240(c).

**Section 14:** Amends AS 47.12.240(e) Detention of minors to change two statutory references from AS 47.12.240(c)(1) to AS 47.12.240(c).

**Section 15:** Amends AS 47.12.240 Detention of minors to change the statutory reference from AS 47.12.240(c)(1)(B) to AS 47.12.240(c)(2).

**Section 16:** Amends AS 47.12.250(a) Temporary detention and detention hearing to make conforming changes.

**Section 17:** Amends AS 47.12.250 Temporary detention and detention hearing, adding a new section that clarifies that waived minors must be transported to a juvenile facility by law enforcement and may only be held temporarily in an adult facility during the transport under the conditions of AS 47.12.240(c).

**Section 18:** Amends AS 47.12.310(b) Agency Records to specifically allow information sharing between the Division of Juvenile Justice and the Department of Corrections about former juvenile offenders and minors in DOC custody held in secure juvenile facilities until age 18. Section 19: Applicability clause applies to minors in Department of Corrections custody on or after the effective date.

**Section 19:** Effective Date Clause. This Act takes effect on July 1, 2021.

[4:20:58 PM](#)

SENATOR COSTELLO referenced the second sentence in the new subsection (f) of Section 17 that says a minor may be temporarily held in an adult facility under certain conditions. She asked for the meaning of "temporarily held" and whether the minors would be separated by sight and sound from adult prisoners.

MR. DAVIDSON explained that current federal law allows delinquent minors to be held in adult facilities with sight and sound separation from adult offenders for six hours pending transport to a juvenile facility. There are rural and weather exceptions. SB 91 extends those protections to waived minors.

[4:23:54 PM](#)

SENATOR COSTELLO asked what kind of information is shared and with whom, and if this applies to minors waived into the adult system.

MR. DAVIDSON answered that the expectation is that DJJ will provide care to waived minors in juvenile facilities until age 18 at which time they will be transferred to the Department of Corrections (DOC). DJJ wants the statutory authority to share with DOC all the health information and services that has been provided to the waived minor because the existing delinquency statute does not cover this new class of DJJ clients, waived minors.

CHAIR COSTELLO asked if he was aware of any other states that have more restrictive time limitation, say four hours, for minors temporarily held in an adult facility.

MR. DAVIDSON answered no. When the law passed initially the State of Alaska requested more time because of rural and weather conditions, but the expectation for both delinquent minors and now waived minors is that they are moved immediately to a juvenile facility. Law enforcement tries to do this because minors are difficult to accommodate in adult facilities.

[4:27:44 PM](#)

CHAIR SHOWER opened public testimony on SB 91; finding none, he closed public testimony and advised the public to submit written testimony at [ssta@akleg.gov](mailto:ssta@akleg.gov).

[4:28:24 PM](#)

CHAIR SHOWER held SB 91 in committee for future consideration.

#### **SB 92-MISSING PERSONS UNDER 21 YEARS OLD**

[4:28:31 PM](#)

CHAIR SHOWER announced the consideration of SENATE BILL NO. 92 "An Act relating to missing persons under 21 years of age."

He listed the individuals who would testify on behalf of the administration and those available to answer questions.

[4:29:05 PM](#)

KATHRYN MONFREDA, Director, Division of Statewide Services - CGIS Programs, Department of Public Safety, Anchorage, Alaska, explained that SB 92 aligns state law to the federal law regarding reporting missing persons between the ages of 18 and 21.

[4:29:35 PM](#)

MS. MONFREDA began a PowerPoint presentation on slide 2. She related that the 2003 Suzanne's Law and part of the 2006 Adam Walsh Act collectively require law enforcement agencies to enter information related to persons under the age of 21 into the National Crime Information Center (NCIC) data base within two hours of being reported missing. She advised that these laws were named after a university student who went missing in 1981 and was never found and a five-year-old boy who was abducted and murdered in 1981.

MS. MONFREDA reviewed the current statutes that have not been updated since they were enacted in the mid-1980s. She paraphrased the following:

- AS 18.65.620 requires reporting missing minors to the state's Missing Persons Clearinghouse if not located within 48 hours after first reported missing
- AS 47.10.141 requires reporting missing minors into state and national databases no later than 24 hours after completing the missing person report
- AS 47.10.390 defines 'runaway minor' as a person under 18 years of age

[4:32:24 PM](#)

MS. MONFREDA reviewed the summary of statutory changes proposed in SB 92 to conform with federal law pertaining to missing persons under age 21. She paraphrased the following:

- Changes required for AS 47.10.141 and AS 18.65.620 to comply with the two federal laws regarding
  - Entry into state and national databases for missing persons under age 21 instead of the state requirement of age 18
  - Entry of the records into state and national databases within 2 hours instead of the state requirement of 24 hours

MS. MONFREDA paraphrased the current procedures bulleted on slide 5. The slide read as follows:

- Statewide training for law enforcement is already in place regarding the more restrictive federal requirements
- Most state and local law enforcement agencies are already complying with the more restrictive federal requirements
- Programming for the state database, Alaska Public Safety Information Network (APSIN), has already been completed to allow law enforcement to enter reports to comply with the more restrictive federal requirements

MS. MONFREDA paraphrased the benefits of the proposed statutory changes bulleted on slide 6. The slide read as follows:

- Remove conflicting, less restrictive state statutory requirements
- Faster state and nationwide notification of missing person records for those under age 21
  - The National Center for Missing and Exploited Children monitors national databases and proactively offers assistance
- Improved response for the vulnerable, college-age population of missing persons

SENATOR KAWASAKI said he appreciates that college age persons are particularly vulnerable, but he wonders why the bill does not ensure that missing persons who are older than age 21 and have a mental illness or dementia are placed on the database.

MS. MONFREDA replied that the practice is to enter missing persons into the system regardless of age, but federal law requires missing persons age 21 and younger to be entered.

CHAIR SHOWER asked Ms. Monfreda if she agreed that the committee could amend the bill to include other missing persons as a state requirement.

MS. MONFREDA replied that is correct.

CHAIR SHOWER suggested Senator Kawasaki look at amending the bill to expand the coverage under state law.

[4:35:25 PM](#)



MS. MONFREDA paraphrased the following sectional analysis for SB 92:

**Section 1:** Includes conforming language related to the duty of law enforcement agencies to reflect changes made in Section 2.

**Section 2:** Adds a new subsection to AS 18.65.620, requiring law enforcement agencies to transmit a missing person's report for a person under the age of 21 to the Alaska Public Safety Information Network and the National Crime Information Center as soon as practicable, but not later than two hours after completing the report. If the person is later found, the agency shall remove that information from those databases as soon as practicable, but not later than 24 hours after learning the person has been located.

**Section 3:** Contains conforming language to AS 47.10.141, runaway and missing children, to the changes made in section 2. All reporting procedures for persons under the age of 21 are moved to AS 18.65, as amended in Section 2 of the bill.

The bill has no specific effective date and would become effective 90 days after becoming law.

CHAIR SHOWER again asked for confirmation that if the committee were to amend the bill to require all missing persons to be entered into the database, the state would still be perceived as following federal law.

MS. MONFREDA confirmed that state law can always be more restrictive than federal law, but not less restrictive.

SENATOR KAWASAKI asked to hear from law enforcement about the feasibility of small municipalities being able to comply with the two-hour federal reporting requirement if the bill were expanded to include all missing persons.

4:38:08 PM

PAUL FUSSEY, Lieutenant, Alaska State Troopers, Department of Public Safety, Anchorage, Alaska, stated that it does not take very long to enter information into either the NCIC or APSIN databases and a dispatcher could be entering the information as an officer is out looking for the missing person.

SENATOR COSTELLO asked what happens to the information that was entered into the system after the missing person is found safe.

MS. MONFREDA replied that the information is deleted from the system after the person is located, but it remains in the log.

[4:39:50 PM](#)

CHAIR SHOWER opened public testimony on SB 92; finding none, he closed public testimony.

[4:40:21 PM](#)

CHAIR SHOWER held SB 92 in committee for future consideration.

[4:40:41 PM](#)

There being no further business to come before the committee, Chair Shower adjourned the Senate State Affairs Standing Committee meeting at 4:40 p.m.